

NORTHERN District of ILLINOIS

Eastern Division

FILED

United States) Plaintiff
v.
Daniel Hill } Defendant

Case No 07CR843
07CR843JUL 31 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Hon Judge Joan Lefkow

Comes now Daniel Hill defendant (pro se) and moves for dismissal of the indictment based on outrageous government conduct.

Outrageous government conduct is not precisely definable.

United States v. Bogart, 783 F 2d 1428, 1435 (9th Cir 1986). It is however typified by fundamentally unfair conduct that offends a universal sense of justice. United States v. Russell, 935 Ct. 1637 (1973). Dismissal of the indictment is the proper remedy for outrageous government conduct. Greene v. United States 454 F 2d 783 (9th Cir 1971), Bogart 783 F 2d at 1432. Outrageous conduct violates Due process which protects against convictions on the basis of evidence that has a high risk of being false. Matthews v. Eldridge 96 S.Ct 893 (1976). Outrageous conduct exist when the government manufactures the crimes and initiates contact with a defendant. Greene, 454 F 2d at 783 United States v. Twigg, 588 F 2d 373 (3d Cir 1978); United States v. Lard 734 F 2d 1290 (8th Cir 1984). Outrageous government conduct differs from entrapment defense because a defendant's predisposition is irrelevant to outrageous conduct.

The contract with this information created a situation likely to produce unreliable evidence. The informant was highly motivated to produce someone who could be arrested and prosecuted to avoid his own prosecution. This motivation led him to manufacture a crime where one would not have been committed otherwise.

Undercover agents and informants arguably have a place in the investigation of drug distribution offenses. However, the possible propriety of using such individuals to investigate and gather evidence of existing conspiracies and crimes does not justify placing arrestees in the position of having to manufacture offenses in order to avoid their own conviction. Such activity is fundamentally unfair and offends all sense of justice.
(Prose under necessity)

Respectfully submitted

D.L. Hill (prose)
Daniel Hill